

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

-----X CHAPTER 13

In Re: CASE NO. 09-22935-RDD

LOUIS A. MATHIEU and
CARLINE MATHIEU f/k/a
CARLINE CHATELAIN,

Debtors.

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WHEREAS, the secured creditor, CHASE HOME FINANCE LLC, and/or its successors and assigns seeks an Order modifying the Automatic Stay in this proceeding by permitting said secured creditor to commence/continue with its foreclosure sale, regarding the property located at 4 Carteret Drive, Pomona, New York 10970, of which the Debtors are the owners of record; and

WHEREAS, the Debtors owe to CHASE HOME FINANCE LLC, the sum of (\$14,452.48), consisting of the post-petition mortgage payments for the months of August, 2010 and September, 2010 in the amount of (\$2,837.17) each, as well as the post-petition mortgage payments for the months of October, 2010 through December, 2010 in the amount of (\$2,919.54) each, plus legal fees and costs in the amount of (\$400.00), minus monies held in suspense in the amount of (\$380.48); and it is

STIPULATED AND AGREED, that the Debtors shall deliver to CHASE HOME FINANCE LLC at OH4-7364 G7 Bankruptcy, P.O. Box 182106, Columbus, OH 43272-5536, the sum of (\$14,452.48) by certified funds, bank check, or money order, and

Payable to "CHASE HOME FINANCE LLC", on or before March 31, 2011; and it is further

STIPULATED AND AGREED, that the Debtors shall continue to make their future post-petition payments in a timely manner, commencing with the January 01, 2011 post-petition payment, and shall keep said post-petition payments current; and it is further

STIPULATED AND AGREED, that should the Debtors fail to bring their post-petition payments and legal fees current on or before March 31, 2011, or not keep their monthly mortgage payments current, that upon ten (10) days prior written notice to the Debtors and Debtors' counsel, which notice shall be given one (1) time but none thereafter, and upon the Debtors' failure to cure the default within the said ten (10) day period of the filing, the automatic stay will be deemed vacated as to CHASE HOME FINANCE LLC upon the filing of an Affirmation of Non-Compliance with the Court, together with the entry of an order on ten (10) days Notice of Presentment with the Court, and CHASE HOME FINANCE LLC, its successors and/or assigns shall be free to commence/continue its foreclosure proceedings against the real property known as 4 Carteret Drive, Pomona, New York 10970; and it is further

STIPULATED AND AGREED, that the Trustee be provided by the foreclosing attorney with notice of any surplus monies resulting from the foreclosure sale, along with a copy of the Referee's Report of Sale; and it is further

STIPULATED AND AGREED, that in the event this Chapter 13 is converted to any other Chapter under Title 11, that a new stay shall not be imposed against CHASE HOME FINANCE LLC, its successors and assigns merely by such a conversion.

CONSENTED AND AGREED TO:

Dated: Spring Valley, New York
December 30, 2010

By: /s/ Joshua N. Bleichman
JOSHUA N. BLEICHMAN, ESQ.
Attorney for Debtors
LOUIS A. MATHIEU and
CARLINE MATHIEU f/k/a
CARLINE CHATELAIN

Dated: Pomona, New York
December 30, 2010

By: /s/ Louis A. Mathieu
LOUIS A. MATHIEU
Debtor

Dated: Pomona, New York
December 30, 2010

By: /s/ Carline Mathieu
CARLINE MATHIEU f/k/a
CARLINE CHATELAIN
Debtor

Dated: Carle Place, New York
December 30, 2010

By: /s/ Pranali Datta
PRANALI DATTA, ESQ.
STEIN, WIENER & ROTH, LLP
Attorney for Creditor
CHASE HOME FINANCE LLC

Dated this 4th day of January, 2011 at White Plains, New York.

SO ORDERED

/s/Robert D. Drain
HON. ROBERT D. DRAIN
United States Bankruptcy Judge